

EXHIBIT C



April 10, 2018

Sent via Email and U.P.S. Overnight

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U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
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Re: Expedited Request for Information under Freedom of Information Act (FOIA)

Dear FOIA Officer:

The National Immigration Law Center, the Tennessee Immigrant and Refugee Rights Coalition (TIRRC), and the Southern Poverty Law Center (SPLC) (collectively, "Requestors") make this request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, for records related to a worksite enforcement operation conducted on April 5, 2018 by U.S. Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) at Southeastern Provision located at 1617 Helton Road, Bean Station, Tennessee.

Requestors seek through this FOIA request all records¹ that were prepared, received, transmitted, collected, and/or maintained by ICE or the Department of Homeland Security

¹ The term "records" as used in this request includes, but is not limited to all records or communications preserved in electronic or written form, including but not limited to correspondence, documents, data, videotapes, audio tapes, faxes, filed, e-mails, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, training manuals, or studies.

(DHS)² relating or referring to the law enforcement action conducted at Southeastern Provision in Bean Station, Tennessee on April 5, 2018, including but not limited to the following:

1. All records, including pre-operation plans, worksite enforcement operation plans, and pre-operation briefings related to the worksite operation conducted at Southeastern Provision in Bean Station, Tennessee on April 5, 2018;
2. All records, including but not limited to documents, correspondence, memoranda, and communications, between DHS or ICE or HSI and any Tennessee state or local governmental agency or Tennessee state or local law enforcement agency, including but not limited to the Tennessee Highway Patrol, related to the worksite enforcement operation conducted at Southeastern Provision;
3. All records, including but not limited to documents, correspondence, memoranda, and communications, between DHS or ICE or HSI and agents of the Internal Revenue Service related to the worksite enforcement operation conducted at Southeastern Provision;
4. All records, including but not limited to documents, correspondence, memoranda, and communications, between DHS or ICE or HSI and personnel at Southeastern Provision, including managers, supervisors, employees and/or agents;
5. All records, including but not limited to documents, correspondence, memoranda, and communications related to the inspection or audit of Southeastern Provision's I-9 or other employment forms;
6. Copies of all administrative warrants issued and served on an agent of Southeastern Provision related to the worksite enforcement operation;
7. Copies of all criminal warrants issued and served on an agent of Southeastern Provision related to the worksite enforcement operation;
8. All records, including but not limited to documents, correspondence, memoranda, communications, and guidelines related to the manner in which agents were to conduct the worksite enforcement operation at Southeastern Provision, including:
 - a. the manner by which employees would be selected for questioning;
 - b. the manner of questioning of employees;
 - c. the circumstances under which and manner by which employees would be restrained during the operation;

² This includes DHS sub-agency Homeland Security Investigations.

- d. the circumstances under which employees would be provided telephone access at any time during or after the operation;
- e. the manner by which ICE agents would determine the existence of humanitarian grounds in order to release employees involved in the worksite enforcement operation;

9. All records, including but not limited to documents, correspondence, memoranda, communications, and guidelines relating to the conditions of release for individuals released on humanitarian grounds, including but not limited to the use of electronic monitoring devices;
10. All records, including but not limited to documents, correspondence, memoranda, and communications, between the ICE Supervisory Agent, Special Agent in Charge, or other ICE or HSI officer leading the worksite enforcement operation at Southeastern Provision and ICE Enforcement and Removal Operations relating to the detention space and transportation of detained individuals;
11. All records, including but not limited to documents, correspondence, memoranda, and communications, between the ICE Supervisory Agent, Special Agent in Charge, or other ICE or HSI officer leading the worksite enforcement operation at Southeastern Provision and agents of the Tennessee National Guard, including all records relating to the temporary housing of individuals detained as result of the worksite enforcement operation;
12. All records compiled or prepared by ICE or HSI, including but not limited to reports, pertaining to the worksite enforcement operation conducted at Southeastern Provision;
13. All records, including but not limited to documents or communications, listing the names, country of origin, and/or A-numbers of individuals detained at the worksite enforcement operation conducted at Southeastern Provision; and
14. All FOIA Search Staffing Sheets related to the instant FOIA request.

Fee Waiver Request

Requestors respectfully request a waiver of all costs associated with a response to this FOIA pursuant to the public interest/benefit fee waiver available under 5 U.S.C. § 552(a)(4)(A)(iii) ("Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requester."). The public interest/benefit fee waiver provisions of the FOIA are to be "liberally construed" and are "consistently associated with requests

from journalists, scholars, and non-profit interest groups who it was intended to benefit.” *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed’ in favor of fee waivers for noncommercial requesters.”) (citation omitted).

Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government regarding high-visibility worksite enforcement actions. Already this worksite enforcement action has garnered national attention. *See, e.g.*, “ICE Raids Meatpacking Plant in Rural Tennessee; 97 Immigrants Arrested,” Washington Post (Apr. 6, 2018), https://www.washingtonpost.com/local/immigration/ice-raids-meatpacking-plant-in-rural-tennessee-more-than-95-immigrants-arrested/2018/04/06/4955a79a-39a6-11e8-8fd2-49fe3c675a89_story.html?utm_term=.35870ae9c91a.

NILC is a nonprofit national legal advocacy organization that engages in policy analysis, advocacy, education, and litigation to promote and advance the rights of low-income immigrants and their families. NILC serves as an important resource to a broad range of immigrant advocacy groups, community organizations, legal service organizations, and the general public. As a part of its work, NILC disseminates information to the public through electronic newsletters, news alerts, issue briefs, trainings, and other educational and informational materials. In addition, NILC disseminates information to individuals, tax-exempt organizations, not-for-profit groups, and members through its website (<http://www.nilc.org>). NILC’s website receives nearly 6,500 visits per day, our email listserv has about 19,000 subscribers, and many visitors to our website actively download our reports, brochures, and fact sheets. Moreover, the National Immigration Law Center is routinely granted fee waivers by government agencies. Some of the fee waivers granted by DHS include FOIA Requests 2016-HQFO-00400, 2013-HQFO-00730 and 2013-HQFO-00907.

TIRRC is a statewide, immigrant and refugee-led collaboration whose mission is to empower immigrants and refugees throughout Tennessee to develop a unified voice, defend their rights, and create an atmosphere in which they are recognized as positive contributors to the state. TIRRC is well-known as a model coalition for immigrant rights organizations in the Southeast and throughout the United States, nationally recognized for its multigenerational coalition building, effective legislative advocacy, creative communications initiatives, and development of both individuals and organizations that serve immigrant and refugee communities. TIRRC serves as an important resource to various local and national immigrant advocacy groups, community organizations, legal service organizations, and the general public. As a part of its educational campaign, TIRRC disseminates information to the public through electronic newsletters, news alerts, trainings, and workshops. Lastly, TIRRC also disseminates information to individuals, tax-exempt organizations, not-for-profit groups, and members through its website

(<https://www.tnimmigrant.org/>). TIRRC is thus the type of organization that Congress envisioned as a beneficiary of the public interest/benefit fee waiver provisions of the FOIA.

The SPLC provides free legal representation to immigrant detainees who have suffered violations of their civil rights. The SPLC also engages in disseminating information and regularly participating in public forums regarding civil rights and immigration. Further, SPLC qualifies as a representative of the news media pursuant to the OPEN Government Acts of 2007. Pursuant to that statute, a representative of the news media is “any person or entity that gathers information of potential interest or a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). The SPLC gathers information through research and FOIA requests on emerging and on-going civil rights and immigration issues. That information is used to create and publish unique reports and public education materials, which are published in print and/or on the internet at www.splcenter.org. The information SPLC seeks out and the publications it creates are to educate and inform the public of policies, events, and news that affects their civil rights. The intended audience is elected officials and policy makers, the general public, interest groups, and various stakeholders nationwide.

Requestors have no commercial interest in these records, are requesting them for educational and advocacy-related purposes, and will disseminate any information they obtain to the public free of charge. *See 6 C.F.R. § 5.11(k)*. Any information related to the worksite enforcement operation at Southeastern Provisions contributes significantly to public understanding and may help dispel some of the fear and panic currently felt in immigrant communities across the country as a result of this enforcement operation. The information sought in this FOIA request is of great value to the public, and cannot otherwise be obtained through public searches.

Requestors reserve the right to appeal a decision on its fee waiver request should the request be denied. In the case of a denial, Requestors will pay up to \$50 in fees while reserving its right to appeal. Please notify us at your earliest convenience should fees be expected to surpass \$50.

Expedited Processing

Requestors also request expedited processing because there is “an urgency to inform the public about an actual or alleged federal government activity” occurring in Tennessee by an organization “primarily engaged in disseminating information.” 5 U.S.C. § 552(a)(6)(E)(v)(II). This request implicates a matter of urgent public concern: namely, government policies and practices related to immigration raids, which often impact workers with employment authorization and citizens as well.

In addition, expedited processing is warranted because the information sought is needed to prevent “the loss of substantial due process rights.” 28 C.F.R. §16.5(d)(1)(iii). There are reports that, if accurate, raise serious questions about the manner in which the worksite enforcement operation was conducted and whether due process was afforded to individuals detained in the operation. Requests for information bearing upon possible Constitutional violations require an immediate response to cease present violations and prevent future violations.

Expedited processing is also warranted because the information sought relates to “a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affects public confidence.” 28 C.F.R. §16.5(d)(1)(iv). This request relates to possible violations of ICE’s internal procedures and possible violations of the statutory and Constitutional rights.

The exceptional media interest in the conduct of ICE worksite enforcement operations is demonstrated by the widespread news coverage at both the local and national level.³

At minimum, should you decide that expedited processing is not warranted, Requestors reserve their right to appeal that decision and expects a response within the twenty-day time limit set forth under 5 U.S.C. § 552(a)(6)(A)(ii).

Conclusion

The requested records are not exempt from disclosure under the FOIA. We expect that all records will be provided in complete form. For any records produced in redacted form, we request that only necessary portions are redacted with non-redacted content disclosed and

³ See “ICE Raids Meatpacking Plant in Rural Tennessee; 97 Immigrants Arrested,” Washington Post (Apr. 6, 2018), https://www.washingtonpost.com/local/immigration/ice-raids-meatpacking-plant-in-rural-tennessee-more-than-95-immigrants-arrested/2018/04/06/4955a79a-39a6-11e8-8fd2-49fe3c675a89_story.html?utm_term=.35870ae9c91a; “Families Wait for Answers After ICE Raid in Grainger County,” WBIR (Apr. 6, 2018), <https://www.wbir.com/article/news/local/families-wait-for-answers-after-ice-raid-in-grainger-county/51-536062125>; “Affidavit Details Alleged Worker Exploitation, Tax Fraud at Grainger Plant,” WBIR (Apr. 6, 2018), <https://www.wbir.com/article/news/crime/affidavit-details-alleged-worker-exploitation-tax-fraud-at-grainger-co-plant/51-535625793>; “Large Cash Withdrawals Led Federal Authorities to Grainger County Slaughterhouse,” ABC 6/WATE (Apr. 6, 2018), <http://www.wate.com/news/local-news/97-detained-at-grainger-co-slaughterhouse-following-ice-raid/1104512258>; “IRS, ICE Officials Raid Grainger County Meat Packing Plant,” Citizen Tribune (Apr. 6, 2018), http://www.citizentribune.com/news/local/irs-i-c-e-officials-raid-grainger-county-meat-packing/article_214bbe7e-39ba-11e8-b62c-bb1f2d394701.html; “ICE raids Grainger County meatpacking plant amid charges owners avoided \$2.5M in payroll taxes,” Knox News (Apr. 5, 2018), <https://www.knoxnews.com/story/news/crime/2018/04/05/ice-raids-meatpacking-plant-grainger-county/490673002/>; “97 Arrested in Immigration Raid at TN Beef Plant,” Ag Web (Apr. 6, 2018), <https://www.agweb.com/article/97-arrested-in-immigration-raid-at-tn-beef-plant/>; “At least 50 detained in Tennessee Immigration Raid,” Mountain News/WYMT (Apr. 6, 2018), <http://www.wymt.com/content/news/478993163.html>.

that the specific statutory grounds justifying the redaction is provided. If you deny this request in whole or in part, we request you provide a written explanation justifying the denial, including references to the application statutory provisions that support the denial. Finally, should any records be withheld, please also provide the exemption that permits the withholding and provide a list of the records being withheld.

Requestors reserve all rights to appeal available under federal law, including appeal of a denial in whole or part of this request, or a constructive denial. Additionally, we reserve the right to challenge the adequacy of the search for responsive documents, the withholding of any documents, redactions in the responsive records produced, as well as decisions to deny expedited processing, to withhold any information, or to deny a waiver or limitation of fees.

I certify that the information contained in this request is true and correct to the best of my knowledge. *See 6 C.F.R. § 5.5(d)(3).*

Please contact me should you have any questions regarding this request. You may reach me directly at (213) 674-2820 or Keaney@nilc.org. Thank you in advance for your time and consideration of this request.

Sincerely,

s/Melissa Keaney

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